

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

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**PROYECTOS COMMUNICATIONS, INC.\*** Case No: 09-00404 (ESL)

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Debtor

\* Chapter 11

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**UNITED STATES TRUSTEE'S MOTION TO DISMISS  
PURSUANT § 1112(b) OF THE BANKRUPTCY CODE**

*TO THE HONORABLE COURT:*

Donald F. Walton, the United States Trustee for Region 21, moves the Honorable Court to dismiss the captioned case under §1112(b) of the Bankruptcy Code<sup>1</sup>. In support of this motion, the United States Trustee, through his undersigned counsel, respectfully states and prays as follows:

1. The Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code on January 26, 2009 (Dkt. #1).
2. The Debtor has been authorized to operate as a Debtor in Possession since the filing date.
3. The Debtor was designated as a small business debtor as defined in 11 U.S.C. § 101(51D).

**Unexcused Failure to Timely Satisfy Any Filing or Reporting  
Requirement Established by 11 U.S.C. or by Applicable Rules**

4. As a small business debtor, the Debtor has to comply with the duties imposed by § 1116 of the Bankruptcy Code
5. The Debtor failed to append to the petition and file with the Court its most recent balance sheet.

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<sup>1</sup> This motion is submitted in compliance with Local Bankruptcy Rule 9013-1(b). A separate memorandum of law, in compliance with Local Bankruptcy Rule 9013-2, accompanies this motion.

6. The Debtor failed to append to the petition and file with the Court its most recent statement of operations.
7. The Debtor failed to append to the petition and file with the Court its most recent cash flow statement.
8. The Debtor failed to append to the petition and file with the Court its Federal tax return.
9. In absence of the above, the Debtor failed to append to the petition and file with the Court a statement made under penalty of perjury that no balance sheet, statement of operations, or cash flow statement has been prepared and no Federal tax return has been filed.
10. The Debtor did not provide an excuse for its failure to file the documents enumerated in paragraphs 5 through 9.

**Cause for Dismissal - Benefit of Creditors and the Estate**

11. The United States Trustee respectfully submits that cause for dismissal has been established.
12. Debtor's behavior demonstrates that it has no intention to comply with its duties as a debtor, thus, a reorganization under Chapter 11 is not likely.
13. The United States Trustee respectfully submits that the relief sought is in the best interest of creditors and the estate inasmuch as Debtor's behavior will cause an unreasonable and prejudicial delay.

14. A separate memorandum with the legal argument of the United States Trustee and citation of authorities in support of this motion to dismiss is attached hereto as required by Local Bankruptcy Rule 9013-2.

**WHEREFORE**, the United States Trustee respectfully requests that the Honorable Court enter an Order dismissing the captioned case.

***-NOTICE-***

***WITHIN THIRTY (30) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATE OF SERVICE BELOW, AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANK. P. 9006(f) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE CLERK'S OFFICE OF THE U.S. BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS: (I) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (ii) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (iii) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE.***

**CERTIFICATE OF SERVICE**

**I DO HEREBY CERTIFY** that on this day I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

HECTOR L FREIRE ORTIZ [hector.freire@freirelaw.com](mailto:hector.freire@freirelaw.com)

MONSITA LECAROZ ARRIBAS [ustpregion21.hr.ecf@usdoj.gov](mailto:ustpregion21.hr.ecf@usdoj.gov)

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**I DO HEREBY FURTHER CERTIFY** that on this same date a true and exact copy of the foregoing has been *sent by regular United States mail* to the Debtor:

PROYECTOS COMMUNICATIONS, INC.  
CENTRO INTERNATIONAL DE MERCADEO  
TORRE I SUITE 311  
GUAYNABO PR 00968

DATED: February 18, 2009.

**DONALD F. WALTON**  
United States Trustee for Region 21

**MONSITA LECAROZ ARRIBAS**  
Assistant United States Trustee

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**(Electronically Filed)**

By: s/ Nancy Pujals  
Nancy Pujals  
Trial Attorney  
USDC-PR No. 201103